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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,427	11/19/2001	Paul E. Salyer	SMI0038.US	2803

7590

04/21/2004

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EXAMINER
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WALSH, BRIAN D

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 04/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/996,427

Applicant(s)

SALYER ET AL.

Examiner

Brian D. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-43 and 46-48 is/are rejected.
- 7) ☐ Claim(s) 44 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it exceeds well beyond the allowable 150 word limit. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 39 and 46 – 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 discloses the bore extends from one end of the shaft into “said boss.” There are two bosses in the invention so this element lacks proper antecedent basis. The Examiner assumed that Applicant intended to limit the tapered bore as extending into the first and second bosses in their assembled stated.

In claim 46, “said primary boss bore” (line 3 of claim 46, page 28) lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 40 – 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Lechot (U.S. Pat. No. 5,658,290).

Regarding claim 40 Lechot discloses a tool driver comprising a driver shaft (7) having a longitudinal axis, first and second ends and a first partial boss (8) at a first end of the shaft. Lechot discloses a second partial boss (6) having a bore (inherently since it slides on shaft (7), col. 2, lines 63 – 67). It is clear in figure 2 that the first partial boss limits the movement of the slide (6) on shaft (7). Second partial boss (6) includes studs (11) that, together with the catches (10) of the first partial boss (8) define a bayonet latching mechanism (col. 3, lines 1 – 16).

Regarding claim 41, Lechot discloses the bayonet latch mechanism (10, 11) has an axially extending latch bore therein (center of figure 3, which shows an end view of the latch) which is configured to connect with a tool (1) that has diametrically extending mounting bars (2). Figure 1 shows that the tool (1) has, at an intersection of the bars (2), what could be called a disc, which, when installed in the bayonet latch (10, 11) is centered in the recess of the latch.

Regarding claim 42, Lechot discloses the bayonet latch comprises a plurality of latch members (10), diametrically opposed to one another (see figure 3).

Regarding claim 43, Lechot further discloses latching grooves in the catches (10 – see side view in figure 2) that extend substantially orthogonal to the long axis of the tool and are engaged by the diametrically extending mounting rods (2) of the tool (1).

*Allowable Subject Matter*

4. Claims 1 – 39 and 46 – 48 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

5. Claim 44 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: claims 1, 44 and 46 all disclose a tool driver with a separable bayonet latching mechanism. The prior art discloses numerous bayonet latching mechanisms for tool driving mechanisms (see pertinent prior art below). The prior art, however, fails to disclose a specific teaching for combining a separable bayonet latching mechanism combined with a tapering center bore centering a tool.

The Examiner has noted Friesinger et al. (U.S. Pat. No. 4,906,147) and, the closest example, Gauthier et al. (U.S. Pat. No. 6,179,302), both of which show bayonet latching mechanisms for tools. Friesinger et al. shows the tapered bore for affixing the tool holder to another portion of the machine tool. The actual tool (5) is held by fixing screws (6, 7 – figure 1) so Friesinger et al. fails to disclose an explicit teaching a tapered bore in a bayonet to *center a tool*.

Gauthier et al. teaches a bayonet latching mechanism very similar to the instant invention comprising a sleeve, spring, partially separable bayonet latching mechanism and a conical inner surface. However, the conical surface is not for centering the tool, rather for actuating a radially

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moving locking element (22 – 4) and, therefore, fails to provide a reasonable teaching for the noted elements of the instant invention.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friesinger et al. (U.S. Pat. No. 4,906,147), Cohen et al. (U.S. Pat. No. 5,486,181), Lackman (U.S. Pat. No. 5,582,607), Salyer (U.S. Pat. No. 5,980,170), Dittrich et al. (U.S. Pat. No. 6,126,359), Gauthier et al. (U.S. Pat. No. 6,179,302), Lechot (U.S. Pat. No. 6,264,647), White et al. (U.S. Pat. No. 6,475,221) and Lechot (U.S. Pat. No. 6,540,739).

### **Faxing of Responses to Office Actions (UPDATED)**

8. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to **ALL OFFICE ACTIONS** directly into the Group at **(703) 872-9306**. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the Examiner.

**PLEASE NOTE: the fax number in the above paragraph has changed.** It is to be used for all responses, **including after-final communications**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Walsh whose telephone number is (703) 605-0638. The examiner can normally be reached on Monday - Friday 8:30 A.M. to 6:00 P.M., with every-other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159.

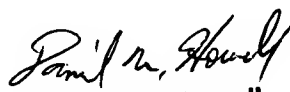
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



BDW

April 16, 2004

Daniel W. Howell  
Primary Examiner  
Art Unit 3722



Daniel W. Howell  
Primary Examiner  
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